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a gate which is movably positioned in the gate cavity and which includes a first flow port that is connected to a second flow port; and

C) means for actuating the gate between an open position, in which the first flow port is aligned with the first branch and the second flow port is in communication with the second branch, and a closed position, in which the first flow port is offset from the first branch;

wherein the gate further comprises a generally flat face which is adapted to seal the first branch from the gate cavity when the gate is in the closed position to thereby prevent the fluid from flowing between the first branch and the gate cavity; and

wherein the actuating means is disposed at least partially within a conduit that extends generally longitudinally through the body from the gate cavity.

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#### Remarks

Reconsideration of the above-identified application is respectfully requested.

In paragraph 1 of the Office Action, the Examiner has withdrawn claims 8-15 from consideration as being directed to a non-elected invention. In the Examiner's opinion, claims 1-7 are directed to a gate valve and amended claims 8-15 are directed to a tubing hanger which comprises the gate valve. In addition, the Examiner has concluded that, since applicant received an action on the merits for claims 1-7, these claims were constructively elected for prosecution.

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In light of the present amendment to claim 1, applicant submits that claims 1 and 8 are now sufficiently related as genus and species to be prosecuted together. Therefore, applicant respectfully requests that the Examiner reinstate claims 8-15.

In particular, claim 1 has been amended to recite a gate valve which comprises an elongated body and a fluid flow passage which extends longitudinally through the body. Moreover, since claim 8 is directed to a gate valve whose elongated body is defined by a tubing hanger, claim 8 is a species of the gate valve of claim 1. Therefore, applicant submits that claims 1 and 8 are now sufficiently related to be prosecuted together in the instant application.

Claims 1-6 stand rejected under 35 U.S.C. 102(b) as being anticipated by Smith (U.S. Patent No. 3,104,659). Claim 1 has accordingly been amended to more clearly distinguish applicant's invention over this reference. Applicant therefore submits that claims 1-6 are now patentable over Smith.

Regarding claim 1, Smith does not disclose a gate valve which comprises an elongated body and a fluid flow passage which extends through the body (claim 1, lines 2-5). As shown in the Figure of that patent, the valve 18 is a free standing component which is not incorporated into an elongated body. Moreover, although the valve 18 comprises a housing (unlabeled) in which a gate 37 is positioned, the lines 17, 29 which define the flow passage in Smith's apparatus do not extend through this housing.

In addition, Smith's valve 18 does not include a gate cavity which is formed in the elongated body (claim 1, lines 5-6). As discussed above, Smith's

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valve 18 is a free standing component which is not incorporated into an elongated body. Therefore, the valve 18 cannot include a gate cavity which is formed in the body.

Also, Smith does not disclose a valve actuating means which is disposed at least partially within a conduit that extends generally longitudinally through the body from the gate cavity. Once again, Smith's valve is not incorporated into an elongated body. Therefore, the actuating means for the valve 18 cannot be disposed in a conduit which extends through the body. To be sure, the Figure of Smith shows that the actuating means 21 for the valve 18 is located in a housing which is separate from the valve 18.

From the above discussion, it is clear that Smith does not disclose each and every element of claim 1. Therefore, Smith cannot be found to anticipate claim 1.

Claims 2-6 depend from claim 1 and are therefore patentable over Smith for the reasons stated above with respect to claim 1.

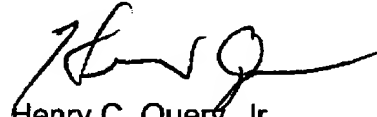
Claims 4, 5 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 1, and further in view of Craven (U.S. Patent No. 5,415,378). However, these claims depend from claim 1. Therefore, to the extent this rejection is based on the Examiner's belief that claim 1 is anticipate by Smith, applicant submits that claims 4, 5 and 7 are patentable over any permissible combination of Smith and Craven for the reasons stated above.

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In light of the foregoing, claims 1-15 are submitted as allowable.

Favorable action is solicited.

Respectfully submitted,



Henry C. Query, Jr.  
Reg. No. 35,650  
(630) 260-8093

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